

REMARKS

Applicant thanks the Office for the attention accorded the present Application in the September 8, 2006, Office Action. Claims 1-34 are pending in this application. Reconsideration in view of the following remarks is respectfully requested.

Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

Interview

Applicant thanks the Examiner for granting an Interview on November 14, 2006. Applicant further notes that, as suggested by the Examiner during the Interview, "recording units" have been amended to recite "flags." Accordingly, Applicant submits that amended claims are now in condition for allowance based on the arguments which follow.

Claim Rejections

Claims 1-12, 13 and 18-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata et al. (hereinafter "Ohata") (US 6,469,978) in view of Sasaki (US 2003/0033475). Claims 16 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata in view of Sasaki further considered with

Evans et al. (US 6,311,060). Claims 17 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata in view of Sasaki further in view of Official Notice. Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata in view of Sasaki further in view of Nakatani et al. (US 2002/0114614).

35 U.S.C. §103(a) rejections based on Ohata and Sasaki

The Office rejects claims 1-12, 13 and 18-34 under 35 U.S.C. §103(a) as being unpatentable over Ohata in view of Sasaki. Applicant traverses this rejection because Applicant submits that the Office has misinterpreted Ohata, Sasaki, or this invention.

As recited in claim 1 of the present invention, step (A) is “establishing a format recording table and storing the format recording table in a memory in the optical recording device, the format recording table comprising a plurality of flags to record whether the packets in the DMAs are recorded with digital data” (claim 1 of the present invention) (emphasis added).

In comparison, Ohata does not teach a “format recording table” as does the claim 1. The table shown in FIG. 3 of Ohata is completely different from the format recording table according to this invention. As described in Ohata, “FIG. 3 shows the physical format information in the control data area of the optical disk medium of the first embodiment of the invention” (Col. 7, Lines 55-58) (*emphasis added*). Moreover, the control data area in Ohata is used for “holding information needed to control recording/reproduction, such as the, disk rotational speed and laser power required for recording or reproduction” (Col. 7, Lines 36-40) (*emphasis added*).

Besides, "the control data area contains physical format information, which includes the position information recorded to indicate the **positions of the defect management areas DMA1 to DMA4** described above" (Col. 7, Lines 52-55) (*emphasis added*). Also as described in Ohata, "[t]he physical format information stored in the control data area includes parameters with which the group configuration of the disk can be identified. The parameters include the following: **Number of zones** on a disk: zn , **Number of tracks in a guard area**: $gtn(N)$, **Number of tracks in each zone**: $tn(N)$, **Number of sectors in each track**: $sn(N)$, **First address of user area in each zone**: $ua(N)$ " (Col. 7, Line 64 ~ Col. 8, Line 5) (*emphasis added*).

As outlined above, the control data area (i.e. the table illustrated in FIG. 3) of Ohata is used for recording disk rotational speed, laser power, positions of DMAs, etc. As a result, it can clearly be seen that **the table in FIG. 3 of Ohata does not record "whether the packets in the DMAs are recorded with digital data"**.

The Examiner also notes the RAM 7 in FIG. 13 of Ohata. However, the defect management table stored in the RAM 7 is also different from the format recording table of the present invention.

The description of the defect management table of Ohata is as follows:

At the same time, a **defect management table** is stored in the RAM 7. Based on the information, the physical-logical address converter 6 identifies **the group configuration**, and **the positions and sizes of the spare areas** are known. Accordingly, the logical address of a sector to be read or written, sent from the host computer can be converted into a physical address with reference to the defect management table in the RAM 7" (Col. 10, Lines 40-47) (*emphasis added*).

It can be seen from the foregoing arguments that the defect management table of Ohata is used for storing group configurations and the positions and sizes of spare areas. Obviously, the defect management table in RAM 7 of Ohata **does not** record “whether the packets in the DMAs are recorded with digital data”, either. Besides, even the combination of the table in FIG. 3 and the RAM 7 in FIG. 13 of Ohata is **not** equal to the format recording table of the present invention.

Furthermore, **there is no linking information between the format recording table of the present invention and the tables of Ohata.** As recited above, the table in FIG. 3 of Ohata records disk rotational speed, laser power, positions of DMAs, etc; the RAM 7 of Ohata records positions and sizes of spare areas. It can be seen that the information provided in the tables of Ohata are irrelevant to “whether the packets in the DMAs are recorded with digital data”. In other words, **“whether the packets in the DMAs are recorded with digital data” can not be inferred from the information provided in the tables of Ohata.**

Recording whether the packets in the DMAs are recorded with digital data is an important feature of Applicant’s recited method and system. As described in the specification of the present invention, when a certain packet of an optical recording medium is formatted, the corresponding recording unit in the format recording table, according to this invention, is inspected. If the corresponding recording unit indicates that there is no digital data in the current packet, formatting is started. Otherwise, the current packet is skipped and the next packet is formatted. In contrast to the prior art, the present invention uses less memory and provides better reading/writing efficiency by employing the format recording table of the present invention.

Moreover, Sasaki does not disclose a "format recording table" as does claim 1. Accordingly, Applicant submits that Ohata, Sasaki or their combination does not render the claim 1 obvious anticipate claim 1. Similarly, claim 19 also recites "a format recording table, which is stored in a memory in the optical recording device" The arguments set forth in the above regarding to claim 1 also apply to claim 19. In view of the foregoing amendments and arguments, Applicant respectfully requests withdrawal of the rejections of claims 1 and 19.

Even if the prior art were combined, as suggested by the Examiner, the resultant combination does not suggest the method recited in claim 1 or the system recited in claim 19.

Applicant also maintains that there is not the slightest suggestion in the cited art that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Furthermore, the cited art neither discloses, or suggests a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's method or claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Applicant also submits that the dependent claims 2-18 and 20-34 not specifically addressed herein are allowable for the reasons discussed in pertinent portions associated with their independent claims 1 and 19, as well as for their own additional features. Accordingly, Applicant asserts that the cited prior arts do not

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render claims 2-18 and 20-34 obvious. Applicant respectfully requests withdrawal of the rejections. Reconsideration of claims 1-34 is respectfully requested.


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:


Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144